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Attorney for Plaintiff,
NACIO SYSTEMS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NACIO SYSTEMS, INC.	)	Case No.: C 07 3481 PJH
a Nevada corporation,)	
)	
Plaintiff	)	DECLARATION OF FRANK SOMMERS IN
v.	)	SUPPORT OF:
)	
HERBERT GOTTLEIB, an individual;	)	1) PLAINTIFF'S APPLICATION WITHOUT
SWIDENT, LLC, a California Limited	)	NOTICE FOR TEMPORARY RESTRAINING
liability corporation,	)	ORDER RE PRESERVING EVIDENCE ; AND
)	
Defendants	)	2) PLAINTIFF'S SECOND APPLICATION
	)	FOR TEMPORARY RESTRAINING ORDER
	)	RE COPYRIGHT INFRINGEMENT AND
	)	SHORTENING TIME FOR LIMITED
	)	DISCOVERY

1
2 I, Frank Sommers, say

3 1. I am an attorney at law licensed to practice before this Court, represent plaintiff in
4 this action, have personal knowledge of the facts set forth below and could competently testify to
5 them if called upon to do so.

6 2. I have made no attempt to give notice to defendants herein of the Application for
7 Temporary Restraining Order re Preservation of Evidence due to the evidence of destruction of
8 evidence set out in the declarations accompanying the Application, which has caused me to
9 conclude that such notice would result in the destruction of evidence sought by plaintiff.

10 3. I have reviewed the declarations accompanying the Application for the Evidence
11 Preservation Order and based on the facts set out therein believe that the instant application
12 should be reviewed by the Court without requiring notice to defendants.

13 4. I requested a copy of SWIdent's corporate records from the California Secretary of
14 State's office. Those records state that SWIdent's principal place of business is located at 10
15 Indian Trail Court, which Ms. Burkart's declaration identifies as Mr. Gottlieb's home address.

16
17 I declare under penalty of perjury under the laws of the United States that the foregoing is
18 true and correct, and that this declaration was executed in San Francisco, California on _____,
19 2007

20
21
22 _____
23 Frank Sommers
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